UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,069	10/05/2000	Daniel R. Pearson	10006131-1	8727

22879 7590 05/26/2004	**EXAMINER**	
HEWLETT PACKARD COMPANY	POKRZYWA, JOSEPH R	
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	ART UNIT	PAPER NUMBER
INTELLECTUAL PROPERTY ADMINISTRATION	2622	
FORT COLLINS, CO 80527-2400		

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/680,069	PEARSON ET AL.
	Examiner	Art Unit
	Joseph R. Pokrzywa	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 October 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings received on 10/5/00 are acceptable by the examiner.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   **Claims 1-13** are rejected under 35 U.S.C. 102(b) as being anticipated by Lo *et al.* (U.S.

Patent Number 5,911,044).

Regarding *claim 1*, Lo discloses a program for interfacing a client computer (client

computer 102) to one or more scan peripheral devices (scanner server 130), the program

comprising functions for querying a scan peripheral for a capability descriptor (scanner

parameters or settings, column 12, lines 7 through 50, and column 15, line 34 through column

16, line 64, seen in step 468 in Fig. 8B), determining whether an appropriate capability

descriptor is obtained in response to the step of querying (step 470 in Fig. 8B), storing a

capability descriptor associated with a scan peripheral for which an appropriate information

capability descriptor has been received as determined in the step of determining (step 472 in Fig.

8C, column 7, lines 16 through 47, column 10, lines 33 through 67, and column 15, line 34

through column 16, line 2), configuring a scan driver (virtual twain device driver 106 or twain

driver 136) for a scan job for a scan peripheral when a scan job is requested by a client by linking

a set of pre-stored driving modules (column 12, lines 20 through 62, and column 15, line 41

through column 16, line 2), a set of pre-stored driving modules being selected according to user

set parameters in the scan job and capabilities indicated in a stored information capability

descriptor concerning a scan peripheral to which the scan job is directed (column 12, lines 20

through 62, and column 15, line 41 through column 16, line 2).

Regarding *claim 2*, Lo discloses the program discussed above in claim 1, and further

teaches of a step of de-linking pre-stored driving modules upon completion of a scan job

(column 12, lines 38 through 50, and column 17, lines 7 through 18).

Regarding *claim 3*, Lo discloses the program discussed above in claim 1, and further

teaches that the step of configuring includes extracting information from a stored capability

descriptor to alter a user interface dependent upon a peripheral's capabilities (column 15, line 41

through column 16, line 3).

Regarding *claim 4*, Lo discloses the program discussed above in claim 1, and further

teaches that a capability descriptor stored in the step of storing comprises a string including

fields indicating dots per inch capabilities (column 15, lines 41 through 55), paper size

capabilities (see Fig. 10, "image size"), color/grayscale options (column 15, lines 41 through 55),

image formats supported (column 15, lines 41 through 55, and column 22, lines 4 through 16),

and whether or not a preview scan is supported (column 15, lines 41 through 55, whereby if no

slidable graphic control button mark appear, then a lower resolution scan could not be adjusted

for a preview image).

Regarding *claim 5*, Lo discloses the program discussed above in claim 1, and further

teaches that the program is stored in a server which provides an interface to a network and at

least one scan peripheral (column 13, lines 35 through 65).

Regarding *claim 6*, Lo discloses the program discussed above in claim 1, and further

teaches that the program is stored in a computer connected to at least one scan peripheral

(column 13, lines 35 through 65).

Regarding *claim 7*, Lo discloses the program discussed above in claim 1, and further

teaches of functions for obtaining a model of scan peripheral for a peripheral when the function

for determining determines that an appropriate capability descriptor was not received in response

to a query conducted by the function for querying (column 12, lines 20 through 62, and column

15, line 41 through column 16, line 2), and associating a pre-stored capability descriptor with a

scan peripheral whose model was determined by the step of obtaining (column 12, lines 20

through 62, and column 15, line 41 through column 16, line 2).

Regarding *claim 8*, Lo discloses a scan peripheral server (scanner server 130) having a

network connection interface and one or more ports (column 9, lines 1 through 24) for

connection to at least one scan peripheral (client computer 102), the server including memory for

storing capability descriptors defining capabilities of scan peripherals (column 15, line 56

through column 16, line 2), memory for storing a set of driver modules (column 8, lines 21

through column 9, line 24), and a program for controlling execution of scan jobs requested from

the network connection of a scan peripheral connected to one of the one or more ports (column 7,

lines 48 through column 8, line column 9, line 24), the program comprising functions for

obtaining a capability descriptor from one or more scan peripherals connected to any of the one

or more ports (column 12, lines 20 through 50, and column 15, lines 10 through 65), storing a

received capability descriptor in the memory for storing capability descriptors (column 15, lines

56 through 65), accepting a scan job request from the network connection for one or more scan

peripherals attached to the one or more ports (column 16, lines 10 through 64), extracting

capability information from a stored capability descriptor in response to a scan job (column 16,

lines 54 through 64), sending information to the network connection to modify a user interface

(column 15, lines 10 through 40), accepting parameters for a scan job from the network

connection (column 15, lines 41 through 65), linking driver modules from the set of driver

modules according to capability information extracted by the function for extracting and

parameters accepted b the function for accepting (column 12, lines 20 through 62, and column

15, line 41 through column 16, line 2), and controlling a scan job according to the driver modules

linked in the function for linking (column 16, lines 10 through 64).

Regarding *claim 9*, Lo discloses the server discussed above in claim 8, and further

teaches that the capability descriptor comprises a data string of capability data (column 12, lines

20 through 62, and column 15, line 41 through column 16, line 2).

Regarding *claim 10*, Lo discloses the server discussed above in claim 8, and further

teaches that the program for controlling execution of scan jobs comprises obtaining model

information from any one or more scan peripherals connected to any of the one or more ports

when the any one or more scan peripherals does not provide a capability descriptor (column 12,

lines 20 through 62, and column 15, line 41 through column 16, line 2), and associating a

capability descriptor pre-stored in the memory for storing capability descriptors with the any one

or more scan peripherals which does not provide a capability descriptor according to model

information obtained in the step of obtaining (column 12, lines 20 through 62, and column 15, line 41 through column 16, line 2).

Regarding *claim 11*, Lo discloses the server discussed above in claim 8, and further teaches that a data string is formatted as a data string including a scan language, an image format, a resolution and a preview scan capability (see Fig. 10, column 15, lines 41 through 55, and column 22, lines 4 through 49).

Regarding *claim 12*, Lo discloses a peripheral (scanner server 130) including a scanning capability (column 7, lines 48 through 60), the peripheral comprising a scan system for scanning documents (scanner 144) and producing electronic data therefrom (column 5, lines 47 through 65), an interface for connecting to a client machine or server (server protocol encoder/decoder 132, connected to the client computer 102, column 7, lines 16 through 47), memory for storing data (column 8, lines 21 through 41), a scan capability descriptor stored in the memory (column 8, line 21 through column 9, line 24), and a controller for communicating with the client machine or server (client computer 102) through the interface to perform a scan job (column 12, lines 20 through 50, and column 15, line 41 through column 16, line 64), the controller sending the capability descriptor to the client machine or server through the interface in response to a query requesting a capability descriptor (column 12, lines 20 through 50, and column 15, line 66 through column 16, line 64).

Regarding *claim 13*, Lo discloses a method for controlling a scan job directed to a peripheral (scanner server 130) including a scanning function (column 7, lines 48 through 60), the method comprising steps of obtaining a capability descriptor from the peripheral including the scanning function (column 12, lines 20 through 50, and column 15, line 41 through column

16, line 2), then to implement a scan job (column 16, lines 3 through 64), configuring a scan

driver from a set of scan drive modules based upon capabilities indicated by the capability

descriptor and parameters included in the scan job (column 12, lines 20 through 50, and column

15, line 66 through column 16, line 64).

Citation of Pertinent Prior Art

4.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

Onsen (U.S. Patent Number 6,473,811) discloses a system that displays a connection

information from a scanner;

Kumpf *et al.* (U.S. Patent Number 6,289,371) discloses a network scan server that

utilizes a web browser;

Kato *et al.* (U.S. Patent Number 6,020,971) discloses a system that includes a scan

capability setting function; and

Cwikowski *et al.* (U.S. Patent Number 5,325,527) discloses a client/server
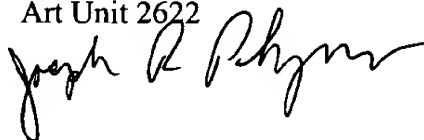
communication system.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp